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March 25, 1996

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VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: WOLF License Corp., licensee of WWLF(TV), Hazleton, PA
Re-Submission of Petition for Rulemaking to Amend the
TV Table of Assignments filed on December 15, 1995

Dear Mr. Caton:

On behalf of WOLF License Corp. ("WOLF"), licensee of Television Station, WWLF(TV), Hazleton, Pennsylvania, we hereby submit a date-stamped copy of a Petition for Rulemaking to amend the TV Table of Assignments. The enclosed petition was filed with the Commission on December 15, 1995; however, it has not been entered into the Commission's records. Consequently, Patricia A. Rawlings of the Office of Public Affairs has instructed us to re-file the petition in order to ensure that action is taken on the request.

If there should be any questions concerning this matter, please communicate with the undersigned.

Very truly yours,

David D. Oxenford

DDO/cpl

Enclosure

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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DEC 15 1995

In the Matter of)	
)	
Amendment of Section 73.606(b))	Docket No.
Table of Assignments)	
TV Broadcast Stations)	RM:
(Hazleton, Pennsylvania)	
Syracuse, New York)	
Corning, New York)	
Oneonta, New York))	

To: The Chief, Policy and Rules Division

PETITION FOR RULEMAKING

WOLF License Corp ("WOLF"), licensee of Television Station WWLF, Hazleton, Pennsylvania, pursuant to Sections 1.401 and 1.420 of the Commission's Rules and by its attorneys, hereby requests that the Commission institute a Rulemaking proceeding to amend the TV Table of Assignments, Section 73.606(b) of the Commission's Rules. Specifically, WOLF requests that the Table of Assignments be amended to substitute channel 30 for channel 56 at Syracuse, New York; channel 39 for the vacant channel 30 at Corning, New York; and to delete the vacant allotment at channel 15 at Oneonta, New York.

In support thereof, WOLF has attached the "Technical Statement" of W. Jeffrey Reynolds and Charles A. Cooper, by which the proposals set forth comport with all Commission rules and policies.

Adopting these proposals serves the public interest. The channel substitution would eliminate the existing short-spacing that exists between WWLF, and the allotment at Syracuse,

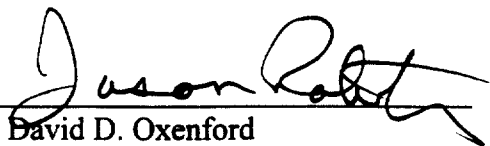
New York. In addition, elimination of the short-spacing has the added benefit of allowing WWLF to move its transmitter site to a collocated “antenna farm” on Penobscot Mountain where it will be co-located with the other full-service television stations serving the Wilkes-Barre/Scranton television market in which WWLF operates. WWLF’s coverage area would be extensively larger, allowing it to serve the entire market. The substitution and relocation would also end the short-spacing that currently exists at the vacant channel 55 allotment at Lebanon, Pennsylvania.

The Syracuse channel currently has three applications pending, all of which propose to increase the short-spacing to WWLF. The proposal here would eliminate the short-spacing by substituting a new channel at Syracuse. The pending applicants could all continue to propose operations at their current sites, and the same allotment coordinates could also be used. The substitution at Syracuse will require a channel substitution at Corning, New York. Such a substitution can be made, as set forth in the attached engineering, with reference coordinates on an existing tower. In addition, Channel 15 at Oneonta, New York would have to be deleted. That channel is vacant. No applications are on file, and none can be filed, because of concerns of interference with land mobile uses, pending the outcome of the rulemaking dealing with such interference. Spectrum Space for Land Mobile Services, 19 RR2d 1585, 1605 (1970). Thus, as the channel cannot be used, the public interest is not harmed by its deletion. A similar result was reached by the Commission in In re Amendment of Section 73.606(b), Table of Allotment, TV Broadcast Station (Santa-Barbara, Ventura and Bakersfield, California; Streater and Galesburg) 7 FCC Rcd 5601 (1992) (holding that deleting a channel in Ventura, California caused no undue harm because other stations met the needs and interests of the community.).

Therefore, WOLF respectfully requests that the Commission expeditiously adopt these proposals and substitute Channel 30 for Channel 56 at Syracuse, New York; substitute Channel 39 for the vacant channel 30 at Corning, New York; and delete the vacant allotment at Channel 15 at Oneonta, New York.

Respectfully submitted,

WOLF License Corp.

By: 
David D. Oxenford
Jason S. Roberts
Its Attorneys

FISHER WAYLAND COOPER LEADER
& ZARAGOZA L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006
(202) 659-3494
Dated: December 15, 1995

TECHNICAL STATEMENT
PETITION FOR RULEMAKING
WOLF LICENSE CORP.
TELEVISION STATION WWLF
HAZELTON, PENNSYLVANIA AND
CORNING, ONEONTA AND SYRACUSE, NEW YORK

This technical statement and associated exhibits has been prepared on behalf of WOLF License Corp. (herein "WWLF"), licensee of television station WWLF on channel 56 at Hazleton, Pennsylvania, in support of a Petition for Rulemaking to amend Section 73.606(b), TV Table of Allotments. This Petition supports an application being concurrently filed by WWLF to relocate transmitter site to *Penobscot Mountain* near Wilkes-Barre, Pennsylvania and operate with a maximum effective radiated power of 1,600 kilowatts with an antenna height above average terrain of 505 meters.¹ A copy of that application is appended to this Petition for reference purposes and is referred herein as WWLF application.

At the proposed location, WWLF would increase an existing short-spacing to the Channel 56 allotment at Syracuse, New York and initialize a minor short-spacing to WSWB-TV on channel 64 at Scranton, Pennsylvania. However, the existing short-spacing to the allotment of channel 55 at Lebanon, Pennsylvania would be removed at the proposed location. In order to implement this proposal, WWLF is

¹ WWLF is presently licensed for an effective radiated power of 1,000 kilowatts using a directional antenna with an antenna height above average terrain of 329 meters, FCC File No. BLCT-880810KI.

proposing two (2) options for the Commission to consider. Option 1, containing two channel substitutions and one channel deletion, requires a rule making proceeding. Option 2 would allow the Commission to accept the WWLF facility at the proposed site with no channel substitutions. This Petition addresses Option 1. Option 2 is addressed in WWLF application.

Proposed Change in TV Table of Allotments

The applicant's preferred procedural option in granting the proposed WWLF facility would be to authorize two channel substitutions and one channel deletion. With this option, the existing and proposed continued short-spacing between the co-channel Hazleton and Syracuse, New York channel 56 assignments would be eliminated. The proposed channel substitutions include having Channel 30 substituted for channel 56 at Syracuse, New York; Channel 39 substituted for the vacant channel 30 at Corning, New York and the vacant allotment of Channel 15 at Oneonta, New York deleted. Specifically, it is proposed to amend the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Corning, New York	*30, 48+	*39-, 48+
Oneonta, New York	15, *42	*42
Syracuse, New York	3-, 5-, 9-, *24+, 43+, 56+, 62+	3-, 5-, 9-, *24+, 30, 43+, 62+

*An asterisk denotes the channel is assigned for use by noncommercial educational stations.

Compliance With FCC Rules

Sheet 1 of Figure 1 is an allocation study for Channel 56 at Hazleton conducted from the proposed site; Sheet 2 of Figure 1 is an allocation study for Channel 56 at Hazleton conducted from the existing WWLF site; Sheet 3 of Figure 1 is an area-to-locate map for Channel 56 at Hazleton. As can be seen from the map, no area currently exists where channel 56 can be fully spaced to every station and allotment. The existing WWLF is short-spaced to the allotment for channel 55 at Lebanon, Pennsylvania and the Channel 56, Syracuse reference site and three pending applications. The proposed WWLF facility continues to be short-spaced towards the Syracuse applications and reference site and would initiate a minor short-spacing to WSWB-TV on channel 64 at Scranton, Pennsylvania. This short-spacing is discussed in Other Allocation Considerations contained in the WWLF application. The existing short-spacing to the vacant Channel 55 allotment at Lebanon would be eliminated at the proposed location.

However, if channel 30 is substituted for channel 56 at Syracuse, the short-spacing between Hazleton and Syracuse can be eliminated. Channel 30 can be allocated to Syracuse if the vacant channel 15 allotment at Oneonta, New York is deleted and Channel 39 is substituted for the vacant channel 30 allotment at Corning, New York. Figure 2 is an allocation study and area-to-locate map for channel 30 at Syracuse. As shown by the map, the existing Syracuse

reference coordinates and all pending applications can satisfy the Commission's minimum distance separations criteria for Channel 30.

Figure 3 contains an allocation study and area-to-locate map for channel 39 at Corning, New York. From the proposed reference coordinates, all the Commission's minimum distance separations criteria for channel 39 would be satisfied.²

In order to accomplish the substitution of channel 30 for channel 56 at Syracuse, it is also proposed to delete the allotment of Channel 15 at Oneonta, New York. This Oneonta allotment is presently vacant and inside the Commission's TV Freeze Zone. As footnoted in Section 73.606 (b), Channel 15 at Oneonta is not protected from land mobile services and therefore is prohibited as a television assignment according to the First Report and Order in Docket Number 18261. Specifically, the Commission stated in that Docket with respect to this type of channel, "Our studies indicate that in the majority of cases there are either other existing unoccupied channels in the areas affected or there are substitute UHF channels available."³ Hence, since channel 15 cannot be occupied at Oneonta by a full service TV station, it is proposed to delete this channel.⁴ Furthermore, there is available a vacant, unused, Channel 42 noncommercial educational TV allotment at

² The proposed Channel 39 at Corning, New York reference coordinates, 42°12'16" North, 77°29'23" West, are for an existing tower. See FAA Study Number 1-OE-3162, FCC Tower Number 3624-C1-P-63.

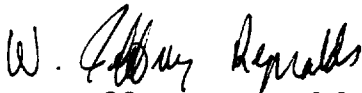
³ See Pike & Fisher 19 RR 2d Page 1605 in First Report & Order, Docket Number 18261.

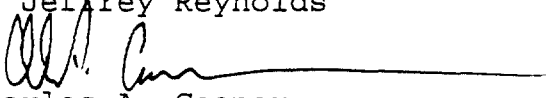
⁴ For similar reasons the FCC deleted Channels 16 and 51 at Ventura, California in MM Dockets 85-251 and 85-390. See Memorandum Opinion and Order adopted August 24, 1992; released September 1, 1992.

Oneonta, which if someone desired to operate a commercial channel, could request the educational reservation be deleted.⁵

Conclusion

The substitution of channel 30 for channel 56 at Syracuse, New York, the substitution of channel 39 for channel 30 at Corning, New York and the deletion of channel 15 at Oneonta, New York can be accomplished in compliance with all applicable Commission rules. Furthermore, adoption of this proposal will permit WWLF to relocate transmitter site and eliminate the existing short-spacing between Hazleton and Syracuse. Additional public interest factors resulting from adoption of this proposal are set forth in the WWLF application.


W. Jeffrey Reynolds


Charles A. Cooper

du Treil, Lundin & Rackley, Inc.
240 North Washington Blvd., Suite 700
Sarasota, Florida 34236
(941)366-2611

October 12, 1995

⁵ An alternate consideration would be to site restrict the channel 15 reference point to a location 25 kilometers southeast of Oneonta at coordinates N42°18'48"/W74°49'27". This would permit the use of channel 30 at the Syracuse reference point as well as the transmitter sites for the 3 pending applications.

Allocation Study

Hazleton, Pennsylvania

Channel 56(0)

Zone 1

Proposed Site: 41° 10' 58" North Latitude
75° 52' 26" West Longitude

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg Tru	Dist. (km)	Req. (km)
	LEBANON		55(-)		40-20-24	206.6	104.59	87.7
ALLOC.	PA	-	I	0	76-25-36			
WWLF	HAZLETON		56(o)	1000 DA	41-02-13	227.6	24.04	248.6 ¹
LIC	PA	BLCT-880810KI	I	329	76-05-07			
NEW	SYRACUSE		56(+)	17	42-56-54	356.5	196.50	248.6 ²
APP	NY	BPCT-940331KG	I	210	76-01-21			
NEW	SYRACUSE		56(+)	46.8 DA	42-56-54	356.5	196.50	248.6 ³
APP	NY	BPCT-941020KH	I	209	76-01-21			
NEW	SYRACUSE		56(+)	1000	42-57-19	354.4	197.85	248.6 ⁴
APP	NY	BPCT-941024KE	I	265	76-06-34			
	SYRACUSE		56(+)		43-03-06	353.8	208.85	248.6 ⁵
ALLOC.	NY	-	I	0	76-09-00			
WSWBTV	SCRANTON		64(o)	7.94 DA	41-26-09	23.7	30.73	31.4 ⁶
CP MOD	PA	BMPCT-890720KE	I	374	75-43-33			

¹ Applicant's existing facility.

² Proposed to substitute channel 30 for channel 56 at Syracuse, New York.

³ Proposed to substitute channel 30 for channel 56 at Syracuse, New York.

⁴ Proposed to substitute channel 30 for channel 56 at Syracuse, New York.

⁵ Proposed to substitute channel 30 for channel 56 at Syracuse, New York.

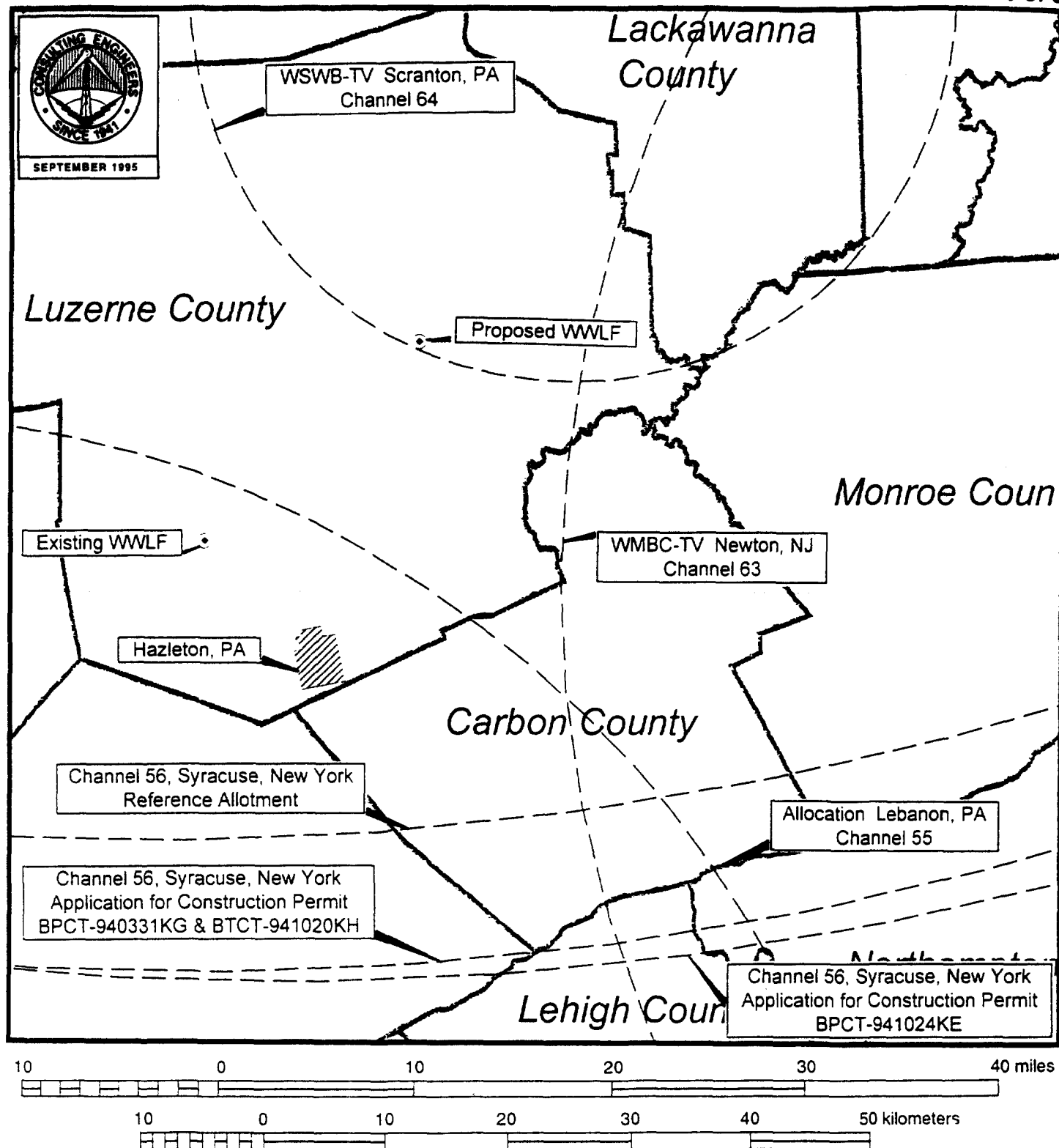
⁶ Minor short-spacing to WSWB-TV from proposed WWLF facility.

Allocation Study

Hazleton, Pennsylvania
Channel 56(0)
Zone 1

Existing Site: 41° 02' 13" North Latitude
76° 05' 07" West Longitude

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg Tru	Dist. (km)	Req. (km)
ALLOC.	PA	-	55(-) I	0	40-20-24 76-25-36	200.5	82.61	87.7
WWLF LIC	HAZLETON PA	BLCT-880810KI	56(o) I	1000 DA 329	41-02-13 76-05-07			
NEW APP	SYRACUSE NY	BPCT-940331KG	56(+) I	17 210	42-56-54 76-01-21	1.4	212.37	248.6
NEW APP	SYRACUSE NY	BPCT-941020KH	56(+) I	46.8 DA 209	42-56-54 76-01-21	1.4	212.37	248.6
NEW APP	SYRACUSE NY	BPCT-941024KE	56(+) I	1000 265	42-57-19 76-06-34	359.5	213.09	248.6
ALLOC.	SYRACUSE NY	-	56(+) I	0	43-03-06 76-09-00	358.7	223.85	248.6
WSWBTV CP MOD	SCRANTON PA	BMPCT-890720KE	64(o) I	7.94 DA 374	41-26-09 75-43-33	34.0	53.59	31.4



CHANNEL 56 HAZLETON AREA-TO-LOCATE

TELEVISION STATION WWLF
HAZLETON, PENNSYLVANIA

Allocation Study

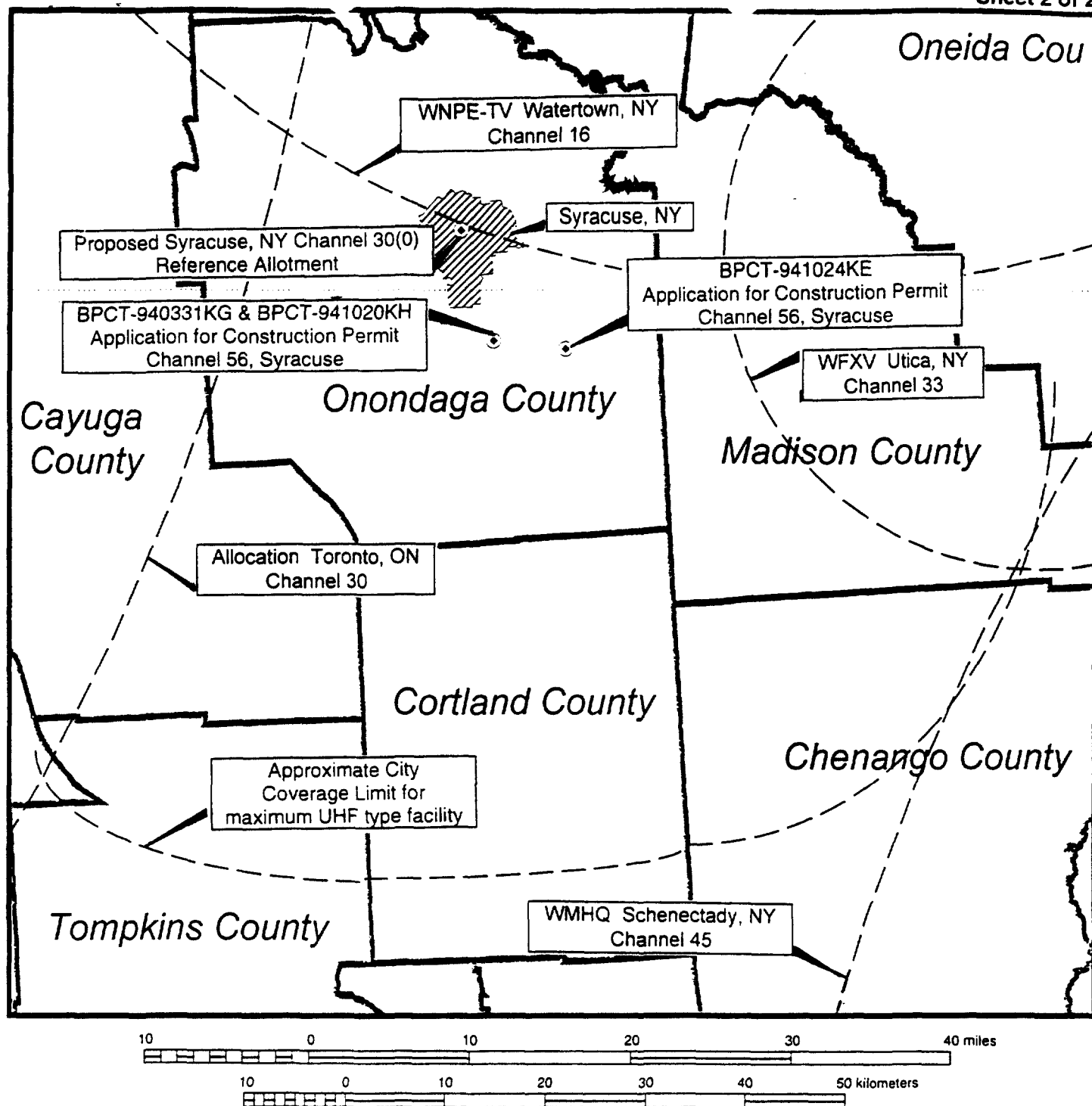
Syracuse, New York
Channel 30(0)
Zone 1

Reference Site: 43° 03' 06" North Latitude
76° 09' 00" West Longitude

Call Status	City State	FCC File No.	Channel Zone	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
ALLOC.	ONEONTA NY	-	15(o) I		42-27-18 75-03-38	126.3	111.13	119.9 ¹
WNPETV LIC	WATERTOWN NY	BMLET-910906KH	*16(o) II	617. 370	43-51-44 75-43-40	20.6	96.33	95.7
ALLOC.	CORNING NY	-	*30(o) I		42-08-36 77-03-25	216.6	125.40	248.6 ²
ALLOC.	TORONTO ON	-	30(-) I		43-38-33 79-23-15	285.2	270.60	250.0
CIVOTV LIC	HULL QU	-	30(+) I	1543 DA 353	45-30-11 75-51-02	4.9	273.45	250.0
WUHF LIC	ROCHESTER NY	BLCT-800121KF	31(+) I	1200 152	43-08-07 77-35-03	275.1	117.15	87.7
WFXV LIC	UTICA NY	BLCT-861210KG	33(o) I	42.7 DA 197	43-02-14 75-26-40	91.4	57.52	31.4

¹ Proposed to delete vacant Channel 15 allotment at Onenta, New York.

² Proposed to substitute Channel 39 for Channel 30 at Corning, New York.



CHANNEL 30 SYRACUSE AREA-TO-LOCATE

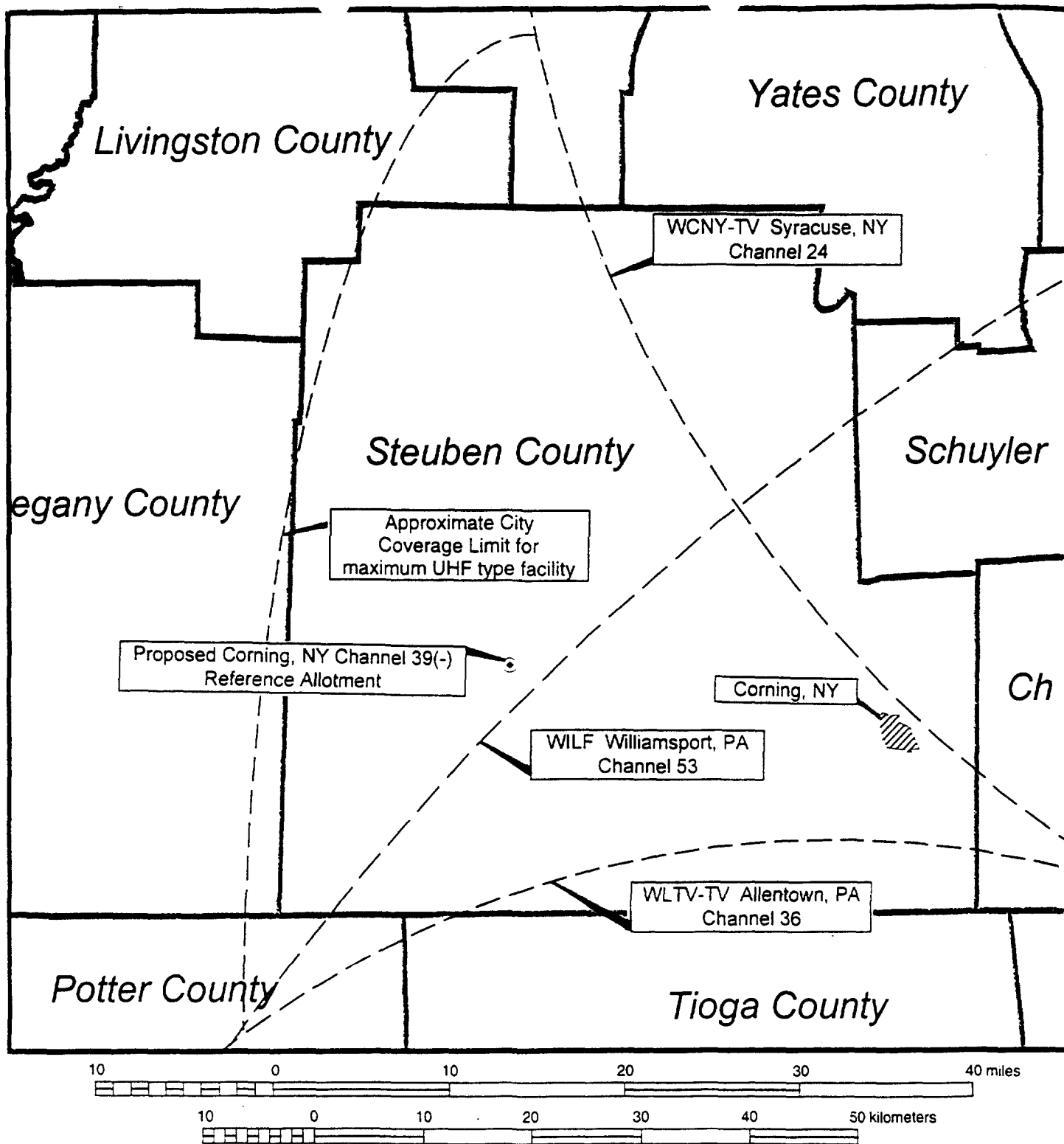
TELEVISION STATION WWLF
HAZLETON, PENNSYLVANIA

Allocation Study

Corning, New York
Channel 39 (-)
Zone 1

Reference Site: 42° 12' 16" North Latitude
77° 29' 23" West Longitude

Call Status	City State	FCC File No.	Channel Zone	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WCNYTV LIC	SYRACUSE NY	BLET-850912KT	*24 (+) I N	2290 422	42-56-42 76-01-28	55.0	145.75	119.9
WENYTV LIC	ELMIRA NY	BLCT-1934	36 (-) I	468 320	42-06-20 76-52-17	102.0	52.28	31.4
WLVTTV LIC	ALLENTOWN PA	BLET-429	*39 (o) I	575 302	40-33-58 75-26-06	136.1	250.30	248.6
ALLOC. ON	KITCHENER ON	-	39 (+) I		43-27-00 80-29-00	300.6	281.20	250.0
WICZTV LIC	BINGHAMTON NY	BLCT-900206KG	40 (-) I	468 375	42-03-22 75-56-39	96.9	128.86	87.7
WSKGTV LIC	BINGHAMTON NY	BLET-830315KJ	*46 (+) I	603 375	42-03-22 75-56-39	96.9	128.86	95.7
WILF LIC	WILLIAMSPORT PA	BLCT-930119KF	53 (-) I	12.3 222	41-11-57 77-07-38	164.8	115.67	95.7



CHANNEL 39 CORNING AREA-TO-LOCATE

TELEVISION STATION WWLF
HAZLETON, PENNSYLVANIA